

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
March 2, 2005

The City Council of the City of Westminster, California convened on March 2, 2005 at 5:35 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

5:30 P.M.
CLOSED SESSION

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case);
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: City of Huntington Beach vs. City of Westminster, et al; Case No. SACVO1-1125JVS;
- 3) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Vangie Schock, Director of Personnel/Risk Management Pat Corcoran, and Labor Negotiator Dave Larsen; Employee Organizations: Westminster Police Officers' Association (WPOA) and Westminster Municipal Employees Association; and
- 4) Pursuant to Government Code Section 54957: Public Employment: Title: Director of Community Services.

RECESS: At 7:00 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:05 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Quach

INVOCATION: Council Member Marsh

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS:

- A. Keith Morrissey from the Westminster Chamber of Commerce reported on their upcoming events.
- B. Al and Diane Brackett (Event Chairpersons) presented information regarding the 5th Annual American Cancer Society's Relay for Life to be held in July at Pacifica High School, and on Tuesday, March 8, 2005 a kick-off meeting will be held at 6:30 p.m. in the Community Services Building.

The following item was added to special presentations:

- C. Police Officers Brian Emerson and Stan Watanabe were given awards from Mothers Against Drunk Drivers (MADD) representatives, Gail Martinez and Tracy Miller.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 7, 2005, and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 16, 2005**

Mayor Rice stated that the City Clerk requested that the February 16, 2005 minutes be amended on page 11 noting that the two appointments for the Cultural Arts Commission are alternate members.

Motion was made by Council/Agency Member Marsh, and seconded by Council/Agency Member Fry, to approve Item No. 1.1 of the Consent Calendar, including the amended minutes of February 16, 2005. The motion was carried by a 5-0 vote.

ROUTINE MATTERS

- 1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- (ITEM REMOVED AND HEARD SEPARATELY)**
- 1.3 Award of Contract to Coast Roof Company for the re-roof of the Corporate Yard Office (deferred from the February 2 and 16, 2005 meetings) (502-03)**

The Assistant City Manager reported that the warranties available for commercial flat roofs are for 10, 15 and 20 years; 25 years was not available. The additional amounts for the Corporate Yard office is \$1,548 and \$4,080 for the Community Services building, for the 20 year warranties.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to:

- 1) Award a contract to Coast Roof Company in the amount of \$36,958.00 (Account No. 75502-044006) to re-roof the Corporate Yard Office, and authorize the City Manager to execute the contract on behalf of the City; and
- 2) Authorize a contingency of \$3,695.00 for unforeseen problems related to the project.

The motion is to approve the 20 year warrantee roof, which is an additional \$1,548.00 added to the total. The motion was carried by a 5-0 vote.

The Assistant City Manager requested that Item 6.1, reroofing of the Community Services building, be brought forward on the agenda.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to move Item No. 6.1 forward on the agenda. The motion was carried by a 5-0 vote.

Mayor Rice requested that the Consent Calendar be completed first. There were no objections.

1.4 Joint Agreement for the Operation, Maintenance, and Financial Management of the Orange County 800 MHz Countywide Coordinated Communications System (502-15)

ACTION: The City Council approved the Joint Agreement with the County of Orange dated November, 2004, and authorized the Mayor to execute the agreement on behalf of the City.

1.5 Authorization to add Wyoming Street reconstruction from Hoover to Arizona Streets to the current contract for street improvements on Newland Street from Edinger Avenue to Heil Avenue (502-01)

ACTION: The City Council authorized a change order in the amount of \$87,855.00 to All American Asphalt for street repairs on Wyoming Street from Hoover to Arizona Streets.

1.6 Revised Classification Specification – Finance Director/City Treasurer (110-04)

ACTION: The City Council approved the amended classification specification for Finance Director/City Treasurer.

1.7 New Classification Specification – Director of Public Works/City Engineer (110-04)

ACTION: The City Council approved the new classification specification for Director of Public Works/City Engineer.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 Ordinance No. 2381 - An Ordinance of the City Council of the City of Westminster establishing a "No Fee Waiver" Policy for the Westminster Rose Center (702-02; 103-02)

ACTION: The City Council adopted Ordinance No. 2381 and waived further reading.

1.9 Resolution No. 3907 - A Resolution of the City Council of the City of Westminster providing for no parking and stopping on the south side of Trask Avenue, east of Chestnut Street T.C. 72-353 (608-02)

ACTION: The City Council adopted Resolution No. 3907 and waived further reading.

ADMINISTRATIVE ITEMS

- 1.10 Analysis of Proposition 209 requirements for public contracts based on recent California decision (deferred from the February 2, 2005 meeting) (102-01)**

ACTION: Received and filed.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.11 Fee Waiver Policy for Use of City Facilities by Government Agencies, Organizations, and Representatives (103-02)**

Council Member Marsh said he would not mind staff granting waiver of fees to other government agencies if it is an agency that grants waiver of fees back to the City.

Motion was made by Council Member Marsh, to direct the City Attorney to make the following corrections and return the policy back to the Council: 1), allow the waiver of fees to be approved by staff if it provides a requirement that there be reciprocity from the other government agency, and 2), that there be a recordation of the amount of fees being waived.

The City Attorney requested clarification on the reciprocity. If the request comes from a state assemblyman, would the reciprocity be use of the assemblyman's office or use of state facilities. Council Member Marsh responded that it would be for individual offices as the assemblymen have no control over all state facilities.

Council Member Quach said he would second the motion if it included a provision to notify the Council when these waiver of fees are granted and the amount waived. He suggested that it could be an item on the Consent Calendar.

Council Member Marsh agreed to the amendment by Council Member Quach.

Vivian Kirkpatrick-Pilger, President of the Midway City Sanitary District Board, requested clarification if the reciprocity was only for use of facilities, to which Council Member Marsh responded that it was only for use of facilities.

The motion was carried by a 5-0 vote.

- 1.12 Special Event Permit application from the Vietnam War Memorial Committee to hold a Memorial Service on Saturday, April 30, 2005 between the hours of 7:00 a.m. and 3:00 p.m. for 200 attendees at Freedom Park, 14180 All American Way (213-02)**

ACTION: The City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.13 Special Event Permit application from Qxpham, Inc. to hold a Book Launch Party on Monday, April 11, 2005 between the hours of 5:00 p.m. and 9:00 p.m. for 300 attendees at Sid Goldstein Freedom Park, 14180 All American Way, and adjacent to the County of Orange parking lot. (213-02)**

The City Attorney advised the Council that the applicant wished to withdraw his request for a special permit.

Motion was made by Council Member Fry, and seconded by Council Member Quach, to remove Item No. 1.13 from the agenda at the request of the applicant. The motion was carried by a 5-0 vote.

WARRANT REGISTER

- 1.14 (City Council/Redevelopment Agency) Warrant Register dated February 9 through 22, 2005 (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.15 Minutes of the Planning Commission meeting held January 26, 2005 (104-11)**

ACTION: Received and filed.

- 1.16 Community Development Monthly Activity Report – January, 2005 (216-01)**

ACTION: Received and filed.

- 1.17 Treasurer's Report – December 2004 (105-08)**

ACTION: Received and filed.

- 1.18 Minutes of the Cultural Arts Commission meeting held January 6, 2005 (104-06)**

ACTION: Received and filed.

- 1.19 Minutes of the Community Services & Recreation Commission meeting held January 11, 2005 (104-05)**

ACTION: Received and filed.

1.20 Minutes of the Commission on Aging meeting held January 10, 2005 (104-03)

ACTION: Received and filed.

1.21 Minutes of Traffic Commission meeting held on February 1, 2005 (104-12)

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach, and seconded by Mayor Pro Tem/Vice Chair Paris, to approve the Consent Calendar, with the exception of Item Nos. 1.1, 1.3, 1.11 and 1.13, which were removed for separate consideration. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

6.1 Award of Contract to Vance & Associates Roofing for the re-roof of the Community Services Building (deferred from the February 2 and 16, 2005 meetings) (502-22)

The Assistant City Manager stated that the additional amount is \$4,080 for the Community Services building, for the 20 year warrantee.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to:

- 1) Approve a contract with Vance & Associates Roofing in the amount of \$116,900.00 (Account No. 75502-034004) to re-roof the Community Services Building, and authorize the City Manager to execute the contract on behalf of the City and;
- 2) Authorize a transfer of \$41,790.00 from the Government Building Fund (No. 770) balance to Account No. 75502-034004.

The motion is to approve the 20 year warrantee roof, which is an additional \$4,080.00 added to the total. The motion was carried by a 5-0 vote.

Council Member Marsh stated he did not want the staff to make any cut-ins on the roof, but to report all problems to the company.

2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

2.1 The actions of the Planning Commission meeting held on February 23, 2005

The Community Development Director reviewed the actions of the Planning Commission meeting of February 23, 2005:

- 1) 13590 Beach (Case 2005-01, Site Plan Review/Design Review) for expansion of Lexus dealership.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to receive and file the report of the Planning Commission meeting of February 23, 2005. The motion was carried by a 5-0 vote.

3. PUBLIC HEARINGS

3.1 **APPEAL OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-69 (SPECIAL ADVERTISING PERMIT); LOCATION: WESTMINSTER MALL; APPELLANT: JOEL GARCIA; APPLICANT: SIMON PROPERTY GROUP (201-00)**

Time set for a public hearing to consider an appeal of the Planning Commission's decision approving an 85-foot high freestanding sign with a 675-square-foot electronic display screen and four 144-square-foot electronic display screens, one mounted on the wall above each main entrance to the mall.

The City Attorney announced that the City is in receipt of a letter from Mr. Joel Garcia, the appellant, requesting a continuance.

Mayor Rice said that Mr. Garcia also stated that he would send a proxy to speak for him if the Council wanted to proceed and not continue the hearing. Mayor Rice wished to proceed with the hearing. There were no objections.

The Community Development Director described the signs proposed to be built by the Westminster Mall. He noted that one of the existing signs would be removed if the proposed free-standing sign is approved.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE APPELLANT.

Timothy Garcia, son and proxy for the appellant, Joel Garcia, presented arguments against the proposed signs and suggested that the following additional conditions be added regarding the free-standing sign if the Council approves it:

- 1) Reduce the total height of the sign to between 55 feet and 65 feet. (This is the easiest change for the applicant to make and will not affect its advertising exposure to drivers.)
- 2) If the sign is higher than 55 feet, have the applicant cover the cost to have the height of the freeway sound wall raised by the same difference. (For example, for a 60 foot high sign, add 5 feet to the wall. The sound wall height will not impact the drivers' view of the sign at all, but will reduce some direct light from hitting the homes closest to the sign.)

- 3) Require the applicant to pay for awnings or other acceptable window treatments for homes in the 70 degree viewing area with windows in direct view of the sign.
- 4) Require the applicant to pay for landscaping back or side yards of houses in the 70 degree viewing area with trees and walls as needed to shield their homes from the direct light of the sign.
- 5) Ensure that the permanent lettering at the top of the sign uses subdued lighting.
- 6) The LED display may not be placed higher on the structure than originally presented.

Tim Garcia also pointed out that the free-standing sign will be very lucrative and does not believe they will be advertising only for the mall, but they will be receiving funds for advertising anything.

Bob Crossley, resident of Westminster, spoke in support of Tim Garcia's claims.

Bill Hilbert, resident on Sowell, and a signer of the petition, agreed with Tim Garcia. He said that the light from the sign will shine into his second floor bedroom, so it will affect property values in his neighborhood in a negative way.

Laura Dalton, resident on Sowell Avenue, agreed with Tim Garcia and agreed that the sign should be lowered.

Darrell Nolte, resident of Westminster, supported Tim Garcia's presentation and agreed with his findings.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE APPELLANT AND IN FAVOR OF THE APPLICANT, THE WESTMINSTER MALL.

Steve Schwartz, General Manager of Westminster Mall, spoke in favor of the signs. He noted that the old sign is buried behind tall trees. He stated that the neighbors knew that they were buying their homes next to the freeway and the mall. He noted that the new free-standing sign will be 10% dedicated to community announcements and the Amber Alert system. He said that he proposes to move the sign further to the north. He did not believe that the neighbors near the Westminster auto dealer sign saw any reduction of property value.

Tom Langeland from Smart Sign Media, stated that Simon Properties has agreed to lower the free-standing sign from 85 to 75 feet in height and to place dimming controls on the sign. He said that the light is 1/10th of the brightness of the mall parking lot lights.

John Muse, a lighting expert hired by Simon Properties, said that the light from the free-standing sign will produce 0.01 "foot candles" at the homes in question, which is considered negligible and comparable to a full moon.

Steve Bumstead, consultant for Simon Properties, said that 75 feet was acceptable for visibility of the sign, however, 65 feet would not be high enough. He noted that most cities' sign codes allow 2-3 foot candles, which is hundreds of times the 0.01 foot candles for this sign.

Council Member Marsh asked Mr. Schwartz if the free-standing sign will be advertising anything that is not inside the mall, to which Mr. Schwartz answered no, because it will be products that can be purchased in the mall. Council Member Marsh was concerned about point-of-sale purchases.

The Community Development Director noted that Condition No. 6 in the proposed resolution addresses what can be advertised on the sign.

Council Member Marsh requested the measurement of the sound walls along the freeway. Tim Garcia said that the sound wall on the north-bound side of the 405 Freeway is 40 feet.

Council Member Fry asked how far the sign will be installed below grade, to which Mr. Schwartz stated it would be 10-12 feet below grade.

REBUTTAL:

Tim Garcia said he believed that the original location of the free-standing sign would have less of an impact than the proposal to move the sign to the north.

Laura Dalton said she did not believe it was fair to compare the auto sign to the proposed mall sign because the auto sign is in a commercial area.

Bob Crossley stated he could not understand why the broken sign could not be fixed, and he said that people who bought their homes near the mall did so with a different sign configuration, so it should be up to the mall to make them whole since the mall is making the change to the signs.

Darrell Nolte said that representatives from Simon Properties do not want to compare the new sign to the current sign, but they want to compare the new sign to the Westminster auto dealers sign. He said that the impact of the proposed sign needs to be analyzed in the newly proposed location and he would like it to go back to the Planning Commission.

Bill Hilbert said he will not find out how badly the sign will impact the neighborhood until it is built.

Council Member Marsh asked Mr. Schwartz if the sign location was different than what was presented to the Planning Commission. Mr. Schwartz responded that the lighting expert recommended that it be moved 90-100 feet northwest in order to mitigate impact of the adjoining neighborhood.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-69; and
- 2) Adopt Resolution No. 3906 entitled "A Resolution of the City Council of the City of Westminster approving Case No. 2004-69 (Special Advertising Permit) to allow installation of an 85-foot high freestanding sign with a 675 –square-foot electronic display screen and four 144-square-foot electronic display screens, one mounted on the wall above each main entrance to the mall", and waive further reading.

Council Member Marsh stated that a comment was made about the applicant presenting lighting data, but the applicant was not required to present an argument in advance, but were present because of the appellant who appealed the Planning Commission's decision. He proposed a counter motion:

Motion was made by Council Member Marsh, and seconded by Council Member Quach to uphold the Planning Commission's decision to approve Case No. 2004-69, and adopt Resolution No. 3906 with the following amended and added conditions:

- 1) Reduce the total height of the sign from 85 to 75 feet.
- 2) The LED display may not be placed higher on the structure than originally presented.
- 3) That the light emitting from the permanent lettering at the top of the sign be done in as subdued a manner as possible.
- 4) The sign must be moved towards the northwest by a minimum of 90 feet.

And, modify Condition No. 6 on page 4 of Resolution 3906 by adding the following sentence: "The applicant acknowledges and agrees with the City conditions that the point-of-sale of any advertising sold for this sign will be deemed to be the City of Westminster."

The maker and second of the original motion withdrew their motion.

The subsequent motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

RECESS AND RECONVENE:

At 9:25 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 9:41 p.m.

3.2 INTENTION TO VACATE RIGHT-OF-WAY RELATED TO PARCEL MAP 2003-197 (412-01)

Time set for a public hearing declaring the City's intent to Vacate Right-of-way Related to Parcel Map 2003-197, pursuant to the provisions of Chapter 3, Section 8320 of the Streets and Highways Code of the State of California.

The Public Works Director/City Engineer stated that vacation of the alleys near the corner of Beach and Westminster will not affect their neighbors' access. Utilities were already relocated.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM, SEEING THERE WERE NONE, THE MAYOR ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, was opposed to removing the two alleys which belong to the public and should be maintained.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to:

- 1) Adopt Resolution No. 3905 entitled, "A Resolution of the City Council of the City of Westminster approving the vacation of two (2) alleys relating to Parcel Map 2003-197" and waive further reading;
- 2) Direct the City Clerk to record a certified copy of Resolution No. 3905 with the County Recorder's office; and
- 3) Accept Final Parcel Map No. 2003-197 and authorize the City Clerk to sign and seal the map.

The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

3.3 REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (109-02)

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Mary Yorba, Executive Director of Volunteer Exchange, and her assistant, Sandy, spoke in support of the staff recommendation to reallocate CDBG funds to Misty's Closet, a DBA of Volunteer Exchange. She said that Misty's Closet assists those who want to return or enter the workforce and can't afford work attire. The money will be used to train seniors to work in the store and to cover operations costs.

THE MAYOR ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, asked if other non-profit organizations who have applied for CDBG money were notified about the availability of these funds.

THERE WAS NO REBUTTAL. MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Paris stated that \$15,000 became available due to a retirement in the housing division of the Community Development department.

Mayor Rice stated that the request was brought to her attention by the group and they do a good service for the community.

Council Member Marsh asked staff if notification went out to any other non-profit groups, to which the Community Development Director said no, that the group contacted the Mayor and the Mayor discussed the matter with the City Manager who suggested CDBG funds.

Motion was made by Mayor Rice, and seconded by Council Member Quach, to approve the reallocation of \$15,000 from 2004-2005 CDBG Administration Funds to 2004-2005 CDBG Public Services Funds for Volunteer Exchange for use at the Misty's Closet location in Westminster, CA for the purpose of training seniors to work at that facility and for covering operations costs at that facility, as amended by Council Member Marsh. The motion was carried by a 5-0 vote.

4. ORAL COMMUNICATIONS

Alin Hamade, resident of Westminster, said he was pleased with the repair of the sewer lines in 13th Street, but wondered when the City will fix the sidewalks. He inquired about the street lights. Mayor Rice informed him that Edison is responsible for the street lights.

Bob Crossley, resident of Westminster, informed the Mayor that the Westminster Library is running an exhibit about the early history of the City of Westminster. He also commented on the building delay and subsequent cost of the Westminster Rose Center and unfunded liability.

Darrell Nolta, resident of Westminster, displayed a mosquito to dramatize the issue of the West Nile virus. He commented on the safe haven law and the Cal Optima situation.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**5.1 Council/Agency Member Items**

Council Member Quach said his concern with Cal Optima is that they are failing to admit new pharmacies into their system and they are a government agency.

Council Member Marsh said he would like to see WTV-3 advertise locations of responsible businesses who are celebrating St. Patrick's Day. He announced that the Energy Committee will meet at the home of Phil Hodgetts at 4:00 p.m. on March 23, 2005, and he is interested in hearing from people who are experienced with science fairs. Regarding unfunded liability relating to pensions and health care, he would like to receive a report from staff on that subject. He announced that the Westminster Little League needs a batting cage and they are looking for funds and volunteers.

Council Member Fry commended Tim Garcia for his presentation during the public hearing this evening.

Mayor Rice suggested that she write a letter to Tim Garcia on behalf of the Council telling him how proud the Council was to hear his presentation.

Mayor Rice urged the public to participate in the Cancer Relay as a good cause. She stated that the last report she got was that the Westminster Rose Center is about one month behind schedule. She said that the 13th Street repair is also behind schedule.

5.2 Consideration of co-sponsoring an event with the Westminster Chamber of Commerce for a "State of the City" luncheon to be held on Tuesday, April 12, 2005 in the East/West Room of the Community Services Building (112-04)

Mayor Rice requested that the Council co-sponsor a town hall type event with a luncheon in conjunction with the Westminster Chamber of Commerce the "State of the City" will be presented by the Council members. It is scheduled for April 12, 2005 in the Community Services Building.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to co-sponsor an event with the Westminster Chamber of Commerce for a "State of the City" luncheon to be held at 4 p.m. on Tuesday, April 12, 2005 in the East/West Room of the Community Services Building. The motion was carried by a 5-0 vote.

5.3 Consider reestablishing the order of business to be followed in regular meetings of the City Council/Redevelopment Agency (103-15)

Mayor Rice stated that this item is on the agenda because it has been suggested that the Council may wish to review the order of the agenda, in particular, the oral communications section. She asked if the Council wished to move Oral Communications closer to the beginning of the meeting and allow the public to comment on all items at that time, but to continue to take public comments during public hearings.

The City Attorney explained that the Brown Act allows for the proposed change, and that as long as the public has an opportunity to speak the Act does not specify when they can speak. So members of the public could address agenda items and non-agenda items at the beginning of the meeting.

Council Member Marsh disagreed with the proposal and he proposed to leave the order of the agenda as it is so that members of the public, especially those with minority opinions, can have an opportunity to speak to all issues.

The following persons spoke in agreement with Council Member Marsh:

Bob Crossley
Vivian Kirkpatrick-Pilger
Alin Hamade
Darrell Nolte

Mayor Rice asked the previous four speakers if they would object to moving the oral communications segment closer to the beginning of the meeting, but not to limit speakers to speak only at that time. There were no objections.

Motion was made by Mayor Rice, and seconded by Mayor Pro Tem Paris, to change the order of the agenda by moving "Oral Communications" forward behind the "Consent Calendar". The motion carried by a 5-0 vote.

The City Attorney stated that a draft resolution will come back before the Council.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

(Item 6.1 was approved after the Consent Calendar.)

6.2 Contractual budget for plan check and inspection services contract with Melad and Associates (502-13)

Motion was made by Council Member Quach, and seconded by Mayor Rice, to approve a \$30,000 increase to the contractual budget, Account No. 62050-43090, and increase the existing contract with Melad & Associations for plan check and inspection services by the same amount. The motion was carried by a 5-0 vote.

6.3 Agreement with Crystal Consulting and Management Inc. DBA Crystal Rose Catering to provide exclusive catering services at the Westminster Rose Center banquet facility. (502-03)

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to approve the agreement and authorize the City Manager to execute the agreement on behalf of the City.

Robert Crossley, resident of Westminster, voiced his concerns about several components of the contract.

Vivian Kirkpatrick-Pilger, resident of Westminster, said that provisions from HUD seem to contradict some components of the contract, especially with regards to hiring.

Council Member Marsh stated that the Concession Manager and the Assistant Concession Manager have to be voted in by the Council before other employees are hired. He said he is comfortable with the provisions in the contract. He further stated that the option to renew is for the City's benefit. He said that he understands the HUD requirement that jobs need to be provided and not necessarily to residents in the vicinity; and he said that the loan has been paid off.

The motion was carried by a 5-0 vote.

6.4 Civic Center – Pay to Park (702-01)

The Assistant City Manager stated that if the Council approves tonight's motion to continue with the bid process, the item will come back for award of contract.

Darrell Nolta, resident of Westminster, objected to paying to park at the City Hall for a short time.

Council Member Marsh noted that short time parking spaces will be marked "reserved". He also stated that the parking permit will only be for business hours during the day.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, directing staff to proceed with the bid process for a "Pay & Display" parking system to be located at the Civic Center. The motion was carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None**8. LEGISLATIVE ITEMS****8.1 Resolution No. 3910 - A Resolution of the City Council of the City of Westminster providing for a compensation plan for the Management/Administrative/Confidential employees of the City of Westminster (110-02)**

The City Attorney noted that those employees hired after April 1, 2005 will be under a different standard, and the resolution will be retroactive back to January 8, 2005.

Council Member Marsh stated he believes it would be a mistake to grant a salary range increase at this time to management employees and wished to complete negotiations with the municipal employees group first. He said that he spoke to the chair of the Financial Review Committee who thought it would be a good idea for the Committee to review this matter.

Mayor Pro Tem Paris spoke regarding vacation hours accrued for the first year of employment.

Mayor Rice stated that she did not believe it was appropriate that the Financial Review Committee review an employee issue.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to remove Resolution No. 3910 off the table of the Council and refer it to the Financial Review Committee for review. The motion was carried by a 4-1 vote, with Mayor Rice voting no.

- 8.2 Ordinance No. 2382 – An Ordinance of the City Council of the City of Westminster to revise Section 2.68.050 relating to classification of the Directors of Public Works and Community Services as excepted from classified service, to revise Sections 2.20.010 and 2.20.050 regarding the Finance Director fulfilling the duties of City Treasurer, to update Section 2.32.010 regarding the Department of Public Works, to add a new Section 2.32.020 regarding the Director of Public Works fulfilling the duties of City Engineer, all of Title 2 (Administration and Personnel) of the Westminster Municipal Code. (110-04)**

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to introduce Ordinance No. 2382 and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

9. COMMISSION AND COMMITTEE ITEMS

- 9.1 Request for All-Way Stop Signs at Apache/Klamath and Bannock/Klamath – T.C. 04-104 (607-03)**

The Public Works Director/City Engineer said that the staff recommendation to the Traffic Commission was to deny the request for the two-way stop signs but the Traffic Commission approved it.

Darrell Nolta, resident of Westminster, said he has spoken to a number of residents in that neighborhood who have testified that speeding is a factor.

Motion was made by Council Member Fry, and seconded by Council Member Quach, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3904 entitled, "A Resolution of the City Council of the City of Westminster providing for the installation of two way stop signs at the intersections of Apache/Klamath and Bannock/Klamath", and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

- 9.2 Holiday display in the Sunken Garden area of the Civic Center (702-01)**

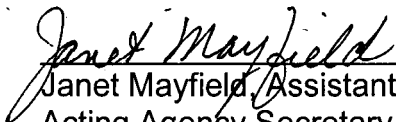
Bob Crossley, member of the Community Services and Recreation Commission, spoke as an individual regarding his conceptual idea to decorate the Sunken Garden during the December holidays and invite vendors to put up booths and

sell their wares during a two-week period. He said he would like the Council to consider it in concept.

Mayor Rice requested Mr. Crossley to bring back a plan.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve the concept for placement of a holiday display in the Sunken Garden area of the Civic Center. The motion was carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 11:30 p.m. Mayor/Agency Chair Rice adjourned the meeting to Monday, March 7, 2005 at 5:30 p.m. in the Council Conference Room for the purpose of conducting a Closed Session Meeting, to convene in public session in the Council Chambers for the purpose of holding a study session to discuss City/Agency business.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary